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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Krieg et al.
Serial No. : Not yet assigned
Conf. No. : Not yet assigned
Filed : Herewith
For : IMMUNOSTIMULATORY NUCLEIC ACID MOLECULES

Examiner : Not yet assigned
Art Unit : Not yet assigned

Mail Stop Patent Application

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

STATEMENT FILED PURSUANT TO THE DUTY OF
DISCLOSURE UNDER 37 C.F.R. §§1.56, 1.97 AND 1.98

Sir:

Pursuant to the duty of disclosure under 37 C.F.R. §§1.56, 1.97 and 1.98, the Applicant requests consideration of this Information Disclosure Statement.

Compliance with 37 C.F.R. §1.97

This Information Disclosure Statement has been filed before the mailing date of a first Office Action on the merits in the above-identified case. No fee or certification is required.

Information Cited

- A. The Applicant hereby makes of record in the above-identified application the information listed on the attached form PTO-1449 (modified). The order of presentation of the references should not be construed as an indication of the importance of the references.
- B. The Applicant hereby makes the following additional information of record in the above-identified application. The following are related pending U.S. nonprovisional patent applications (copies filed with parent application 09/818,918 filed March 27, 2001) which do not appear on the 1449 form:

Docket No.	Serial No.	Filing Date	Inventor(s)
C1040/7006	09/316,199	05-21-1999	McCluskie et al.
C1039/7020	09/337,584	06-21-1999	Krieg et al.
C1039/7023	09/337,636	06-21-1999	Krieg
C1039/7022	09/337,893	06-21-1999	Krieg
C1039/7029	09/415,142	10-09-1999	Krieg et al.
C1039/7043	09/629,477	07-31-2000	Krieg et al.
C1039/7041	09/655,319	09-05-2000	Krieg et al.
C1039/7035	09/669,187	09-25-2000	Krieg et al.
C1037/7013	09/776,479	02-02-2001	Bratzler et al.
C1039/7049	09/824,468	04-02-2001	Krieg et al.
C1039/7060	10/112,653	03-29-2002	Krieg et al.

The following are related PCT Publications (copies filed with parent application 09/818,918 filed March 27, 2001) which were published after the priority date and do not appear on the 1449 form:

Publication No.	Date of Publication
WO 98/18810	05-07-1998
WO 98/37919	09-03-1998
WO 98/40100	09-17-1998
WO 98/52581	11-26-1998

Remarks

Documents cited on the attached form PTO-1449 (modified) are enclosed unless otherwise indicated on the attached form PTO-1449 (modified). It is respectfully requested that:

1. The Examiner consider completely the cited information, along with any other information, in reaching a determination concerning the patentability of the present claims;
2. The enclosed form PTO-1449 be signed by the Examiner to evidence that the cited information has been fully considered by the Patent and Trademark Office during the examination of this application;
3. The citations for the information be printed on any patent which issues from this application.

By submitting this Information Disclosure Statement, the Applicant makes no representation that a search has been performed, of the extent of any search performed, or that more relevant information does not exist.

By submitting this Information Disclosure Statement, the Applicant makes no representation that the information cited in the Statement is, or is considered to be, material to patentability as defined in 37 C.F.R. §1.56(b).

By submitting this Information Disclosure Statement, the Applicant makes no representation that the information cited in the Statement is, or is considered to be, in fact, prior art as defined by 35 U.S.C. §102.

Notwithstanding any statements by the Applicant, the Examiner is urged to form his own conclusion regarding the relevance of the cited information.

An early and favorable action is hereby requested.

Respectfully submitted,
Arthur M. Krieg, et al., Applicant(s)

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U.S. PATENT DOCUMENTS

Examiner's Initials#	Cite No.	U.S. Patent Document		Name of Patentee or Applicant of Cited Document	Date of Publication or of issue of Cited Document MM-DD-YYYY
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	**	6,239,116	B1	Krieg et al.	05-29-2001
	**	6,339,068	B1	Davis et al.	01-15-2002

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	*	WO	97/28259			08-07-1997	
	*	WO	98/14210			04-09-1998	

OTHER ART – NON PATENT LITERATURE DOCUMENTS

Examiner's Initials#	Cite No.	Include name of the author (in CAPITAL LETTERS) title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, relevant page(s), volume-issue number(s), publisher, city and/or country where published.	Translation (Y/N)
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	*	ZHAO Q et al., Stage-specific oligonucleotide uptake in murine bone marrow B-cell precursors. <i>Blood</i> 84(11):3660-6, Dec. 1, 1994.		

EXAMINER	DATE CONSIDERED

#EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

*a copy of this reference is not provided as it was previously cited by or submitted to the office in a prior application, Serial No. 09/818,918, filed on October 30, 1996 and now issued as U.S. Patent No. 6,207,646, issued on March 27, 2001, and relied upon for an earlier filing date under 35 U.S.C. 120 (continuation, continuation-in-part, and divisional applications).

**a copy of this reference is not provided due in fact to the USPTO rule change effective June 30, 2003

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